

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20555

In the Matters of	)	
	)	
Accelerating Wireline Broadband Deployment	)	WC Docket No. 17-84
by Removing Barriers to Infrastructure	)	
Investment	)	
	)	
Accelerating Wireless Broadband Deployment	)	WT Docket No. 17-79
by Removing Barriers to Infrastructure	)	
Investment	)	

**REQUEST FOR EXTENSION OF TIME TO FILE REPLY COMMENTS**

Pursuant to 47 C.F.R. § 1.46, the National League of Cities (“NLC”), the United States Conference of Mayors (“USMC”), the Government Finance Officers Association (“GFOA”), the International Municipal Lawyers Association (“IMLA”), the National Association of Counties (“NACo”), the National Association of Towns and Townships (“NATaT”), the National Association of Regional Councils (“NARC”), and the National Association of Telecommunications Officers and Advisors (“NATOA”) (collectively, the “Petitioners”) request an extension of time to file reply comments in the above-captioned proceedings. Currently, reply comments are due on or before July 17, 2017. The Petitioners respectfully request an extension through and including August 17, 2017 for reply comments. In addition to the potential for confusion with the Net Neutrality comments due that same day, local governments cite no less than five reasons for an extension:

1. The number of and complexity of comments filed to date in both proceedings;

2. The number of existing rules that are proposed for revision;
3. The number of communities that are maligned directly or by inference and the need to alert them to provide the Commission with a complete factual record of any alleged bad acts;
4. Intervening state laws that have been adopted on small wireless facilities siting in the public rights-of-way and requests to preempt these laws; and
5. The number of conflicts that fall within the current reply comment period.

**A. Numerous and Complex Comments**

Petitioners are aware that while it is “the policy of the Commission that extensions of time shall not be routinely granted,”<sup>1</sup> such extensions are warranted when, among other things, the additional time will serve the public interest. Setting aside the need for additional time to inform named communities of allegations of delay in industry filings, granting an extension in this proceeding would allow a more complete and factual record to be developed. As of July 7, 2017, no less than 199 comments have been filed in the Wireline proceeding (WC 17-84) and 350 comments have been filed in the Wireless proceeding (WT 17-79). With limited resources, it has been impossible for local government commenters to read all the filings, let alone develop cogent responses.

**B. Complexity of Comments**

In addition to the number of filings, an extension of time to file reply comments in this matter is appropriate considering the complexity and breadth of the issues commenting parties have raised. Developing a comprehensive and fact-based record will require time to research and organize the kind of information requested by the Commission and raised by both local

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<sup>1</sup> 47 C.F.R. § 1.46(a).

government and industry commenting parties. As we pointed out in prior filings, an adverse ruling by the Commission on many of the issues raised in these proceedings could potentially cost local governments billions of dollars annually for the private use of the public rights-of-way. We believe that the number of local government parties filing comments reflects the seriousness with which they view these proceedings and an extension of time to file reply comments will permit local governments nationwide to address the many financial and budgetary implications that any Commission rulings could have on communities and their residents.

### **C. Maligned Communities**

Additionally, as we saw in an earlier proceeding<sup>2</sup> addressing many of the same issues raised here, specifically named local governments must have the time to review the allegations against them and provide the Commission with the full story on why any delays in the siting process may have occurred, including industry failures, as well as explaining how current siting and application practices promote deployment. An extension of time to file reply comments will allow maligned local governments to address the claims made against them. Moreover, the Commission must strike from the record any claims that do not cite the specific government whose conduct is being impugned. The Commission has made it clear that it wants to make data driven decisions - a goal that cannot be met through the use of allegations in the abstract.

Permitting such conduct undercuts the credibility of any decisions the Commission may reach.

### **D. Intervening Small Wireless Facility Siting State Laws**

Recently, no less than 15 states have reviewed small wireless facility siting legislation, with a number of states enacting such laws. Many localities from those states need to know that

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<sup>2</sup> *Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting*, Order, WC 11-59 (Aug. 16, 2011).

some industry commenters<sup>3</sup> are seeking to preempt these new bills, despite a number of the state laws being developed by consensus between various state associations of local governments and the industry.

**E. Conflicts with Calendar**

The time period between the filing of comments and reply comments in this matter is not only short, but there have been a number of intervening events that have denied local governments the ability to formulate cogent answers and factual responses to the many issues raised. Among these conflicts are the 85th Annual Conference of Mayors, June 23 – 26, 2017, and the National League of Cities Information Technology and Communications Committee (and all other NLC committees), June 20-21, 2017. In addition, the 4th of July holiday fell in the middle of a week, resulting in many city professionals exercising vacation days to take a four day weekend.

For these reasons, Petitioners ask that the Commission extend the reply comment deadline in these proceedings to August 17, 2017, and continue to remind industry commenters of their obligation to specifically name communities they assert act as barriers to deployment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Clarence Anthony', with a long horizontal line extending to the right.

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July 7, 2017

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<sup>3</sup> See Comments of Cityscape (filed June 15, 2017).

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